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The Crystal Soda Works.

## Hawaiian Gazette.

The Hawaiian Legislature

Session 1884. Seventy-Fourth Day, Aug. 5th.

AFTERNOON. appropriation Bill, the following being passed: Consideration of the salaries of the Justices of the Supreme Court was then taken up and

The following item was ordered inserted in

The report of the Select Committee recom-lending the allowance of an annual salary of 510,000 and office expenses to the Hawaiian consul at San Francisco, and that all Consular ses collected by that official be paid into the awajian Treasury, was taken up and after insiderable discussion was laid on the table The Committee then rose and reported back the Assembly. At 3:35 the Assembly ad-urned until 10 a.m. on the next day.

## Seventy-Fifth Day, Aug. 6th.

The Assembly convened at 10, a.m.; praye the chaptain and reading of minutes of the y the chapman and reading of minutes of the recording day by the secretary,
Representative Pilipo offered a resolution hat \$2,500 be inserted in the Appropriation still for Kawaiahao Seminary. Tabled, to be ensidered with the Appropriation Bill.

On motion the order of the day was taken p and the House went into Committee of the Thule for the consideration of the Appropriaion Bill, Hon. A. S. Cleghorn in the chair, Representative F. Brown, moved the item of negresentative F. Brown, moved the item of \$10,000 for the King's Guard. Representative Smith thought that \$10,000 was too much, more than the country under xisting circumstances can afford. The idea

I the maintenance of an army here was ridi His Majesty. That only cost \$21,000 a few years ago. There was no occasion or need or the great increase. There was no danger f any internal insurrection or disturbance. Representative Alsola wanted to have the port of the committee appointed to conside litary matters; he bad not heard from then et nor did be know whether they intended to port or not. Representative Dole said the object of the

ng's Guard was to provide sentries for the state occasions. That is all the army was good for and hardly fit for that. For any parade the guard was too small and utterly corthless, and for such a purpose the Gov-rement must rely on volunteer companies, ie supported the amendment. He thought e police would do to stand guard. Evene he saw the King's Guard he was asham time he saw the king stouant he was ashamed this country. That guard has nothing to do but to drill, and ought to be the best drilled force in the world; yet when on parade they were not able to stand in a straight line. No amount of money would make them a well-drilled company. If they had a competitive drill with the Honolulu Rifles, which had only been drilling about two months, they would been drilling about two months, they would find themselves left behind. It was a bad state of affairs to have the regular force budly fisciplined, as then they could not be relied

Bands, for and values.

Bands, for and values.

Representative Smith asked what had become of the bill on the subject of ramic cultivated here it would be all great value to cultivated here it would be all great value to the cultivated here it would be all great value to cultivated here it would be all great value to the contest in this case is upon the question.

ori Building, Honslain, arbor Master and Pilots ont of Post-office Custom House

On motion, after a short discussion the iter for new building for harbor-master and pilots was struck out, and \$12,000 for the rest, as commended by the Committee, was passed. Representative F. Brown moved to inser

850 for a ferry boat across Pearl River. sentative Kanealii moved the inserti-\$1500 for a bridge at Waiehu, Maui. Passed. Representative Hitchcock moved to insort ,500 for deepening the boat landing at Lau-

Amended by Hon. S. G. Wilder to \$1,000 Representative Smith moved that the sum of

10,000 be appropriated for the purpose of ex-nding Oalm Jail; amended by Representative chardson to \$25,000 and passed at the latte Hon. Godfrey Rhodes drew the attent

unittee to the fact that there had been provision made for the Survey Department the Ministers in their estimates. He was rry to say that the members of that Depart mt considered themselves badly used. They are all men of scientific attainments and had ut little of this world's goods, they had been cry efficient in their service but they had een left out of the appropriation altogother. He desired to submit that Section 3 of the oriation Bill be amended so that the "Employees of the Survay Department" ted in the Section after the words

Representative Hitchcock offered a further mendment, that the words "Expenses Insar sylum" be also added in the Section." Hen. C. R. Bishop still further amended by se addition, after the word "Prisons" in the section, the words, "Aid to Queen's Hospital." All of the amendments were approved and assed and at 12 noon, the Committee rose and

ook a recess until 1.30 p.m. AFTERNOON. ing the consideration of the Apropriation Bill was considered and the fol-owing Sections were discussed: sentative Dole moved to amend Secti which reads; "The Minister of Finance all not cause or allow to be paid from the ensury any money for objects not provided this law," by adding the followin: "Nor

r any object herein authorized over and above of any object never and above the amount appropriated therefor."

The amendment prevailed, when Section a was read as follows: "No person holding more than one office for which salaries are trovided shall be anthorized to draw more an the salary of the highest grade of office eld by him, if the salary of any office held by im shall amount to two thousand dellars or ore per annum, and he shall be entitled to no her or further compensation." Passed. Representative Dole moved to insert another ection, to be Section 6, to read as follows Contracts for building public works, furnish

as and other suppli awarded under this Act, shall be awarded only on advertisement for public tenders." The Minister of Interior said this would namper a certain administration of the funds. ticable, to award contracts after proper rtisement, yet frequently there is nothing ore misleading than the answers that will me to advertisoments. He cited as a case

ome to advertisoments. He cited as a case where it cost the Government less than by adctisement for contracts: "The contract for or the contract for new bridges in the district of Hilo. Had tenders been called for, they would have cost 30 to 40 per cent more than by private contract. The Pacific Bridge Co. of California offered to band a band above the contract. build these bridges for certain figures, but stated that if put up for public tender, they would not consider themselves bound to adhere

o those figures. tive Howell said the ction would hamper the Minister but very little if any. He is not bound to accept the lowest or any tender. Perhaps he would have been surprised if he had advertised for tenders for the Hillo bridges to find that other parties could tuild those bridges as cheap as the Parisis Perisis Pe

Representative Aholo said it seemed to him that by this step they were ignoring the Civil Engineer. According to his idea, it was part of this Engineer's duty to make estimates of all bridge work, and report the same to the Minister of Interior.

Representative Smith repeated what he had said on several provious occasions relative to general bad administration and wasting and squandering of the public moneys. He considered the amendment proposed a wine one.

Representative Smith repeated what he man assid on several provious eccasions relative to general bad administration and wasting and squandering of the public moneys. He considered the amendment proposed a wise one, and could not hamper any honest administration; but it will be a check on those who did to twish to administer honestly.

The Committee then rose and reported process to the Assembly, asking leave to sit

Hon, J. Mott Smith, from a Select Commite, reported a substitute for the Minister of sterior's Postal Savings Bank Bill. Repor squared and bill was read a first and secon

Committee, reported favorably on the bill to prohibit the posting of bills upon any property and before I could call attention to it he was a substitute for the bill to prevent the waster. I waited about twenty minimates and shrubs that carpeted the forest path.

"Twenty minutes!" they all exclaimed.

"That's the exact time, my friends. I held my watch in my hand and timed him. After the state whether the and looked over the side of the beat, and what and they found to be the village.

the bill and the bill are the possession in the possession of distilled liquor being prima facie evidence of the distillation thereof, was, after a lengthy recom
Section 3, which increases the wholesale section 3, which increases the wholesale section 3, which increases the wholesale section 3.

section 3, which increases the wholesale iquor license from \$250 to \$500, was passed. Section 4, which increases the jobbing cense from \$500 to \$1,000 was rejected. Section 5, which fixes the retail \$2,000 instead of \$1,000, with a bond of \$5,000 Section 6, which provides for the conditions

under which licenses can be granted for any district in this Kingdom, outside of Honolulu, Section 7, which provides the number of hours such licenses shall authorize the licensee

emises between the hours of 6 o'clock in the bring and 9 o'clock at night, every day exept Sunday, was rejected. Section 8, provides that retailers shall not sell to minors, nor to persons who may have been convicted twice of drunkenness before any Court in the district or city where such retailer shall have his place of business. A violation of the above regulation will subject the retailer to a fine of not less than \$10 or nore than \$50 for each and every offense. Representative Hitchcock moved to include omen in the above. Representative Frank Brown objected to in-

uding women with the minors. Representative Hitchcock's amendment pre ailed and the Section passed as amended Section 9, which provides for the limits in which liquors are to be sold to be in the powe of the King in Privy Council, was passed. Section 10, which states the law shall con tinue in force until the 1st of January, 1887, was indefinitely postponed. At 5.15 p.m. the Committee rose and reported

their action. Report approved and the House then adjourned till 10 am, Thursday morning Supreme Court of the Hawaiian Islands-In Equity. MAKANGANGA MERSBURGH VS. JAMES REN-TON AND THE UNION MILL CO.

Opinion at Chancellor Jodd, This is a bill in equity to foreclose a mortage made by the defendant Renton on certain lands in Kohala, Hawaii, the estate having been transferred to the Union Mill Co. The mortgage is for \$2,000, with interest at

8 per cent per annum and is dated Sept. 11th, 1877. It became due Sept. 11th, 1881. The namer admits the execution of the mortgag nd the transfer of the estate, but alleges that when the mortgage was due payment was not demanded, though the defendant Co. was wil-ling and prepared to pay the amount due, principal and interest; and on enquiry why it was not demanded defendant learned that the mortgage and note were lost, whereupon defendant agreed to pay principal and interest upon a sufficient bond of indemnity being exe-cuted. The offer to furnish indemnity was

was one that should be attended to.

The report of the committee to whom was electred the items on Government buildings and repairs was taken up. It recommended appropriations to be made as follows:

The plaintiff contends that no legal tender was made and that fall interest should be appropriations to be made as follows:

The plaintiff cane from the time of its other was made and that fall interest should be allowed her.

The plaintiff says, in evidence, that she

never demanded payment of the mortgage nor authorized any demand on her behalf; also that no tender was made to her. It is in evidence, however, that Mr. Brown the attorney for de-fendant wrote, soon after the mortgage became due, to Mr. Vida, who was acting as plainting a dagent, and ascertained that the morrgage and note were lost and then offered to pay the amount due, on Mr. Vida's engaging to provide suitable indemnity. This Mr. Vida declined some of his men with dried sticks to en the same and matters went along and March. o do, and matters went along until March of his year, when Mr. Brown offered to pay one half of the computed interest, which offer being morning that disclosed their vessel be

In Jones on Mortgages, Sec. 899, it is laid own that "it is a settled rule that interest ill cease to run from the time of the distributions." ill cease to run from the time of tender, when to money really due upon the mortgage is ctually and properly tendered by a person aving the right to make the tender, so that to mortgagee is bound to accept it

But tested by the well settled rules of law pplicable, no sufficient tender has been shown have been made. For a tender must be ab-

order that the payee may not be twice liable in the same instrument, but there are alundant authorities to this effect that if the note and negotiable no indemnity can be required.

No question is however made in this series of the suspection. the right of the plaintiff to foreclose the mortgage upon secondary evidence, i.e. the curtified copy of the mortgage from the Registrar's office, the original being lost.

1 am of the opinion that the plaintiff ought and the Chinese cook, with a sword held to recover full interest. It was the duty of the debtor to see his creditor, to make his pay-

ent and to make legal proffer of the mo he expected to stop interest. Decree accordingly, J. M. Monserrat for plaintiff; C. Brown for

Honolulu, July 22d, 1881. Supreme Court of the Hawaiian Islands July Term. 1884. In Banco.

GERTZ VS. GERTZ Indd, C. J., McCally and Austin, J. J. the Coart by Judd, C. J.

The Attorney for Anna M. Gertz excepts to refusal of the Chief Justice to tax his statuory fees. The cases were first a suit by Mrs. iertz against her hasband for a separation, in which the Court denied her petition, and, sec-ood, a libel for divorce by Mr. Gertz against his wife, which was dismissed by the Court. Upon no theory can the items claimed be axed against the husband in the wife's suit or separation, for this suit failed.

It has not been the practice of this Court to tax in matrimonial litigation the statutory attorney's fees, but the Court makes an allowance to the wife's counsel, if asked for and the circumstances warrant it, and this has been onsidered to occupy the place of taxed costs. This practice of the Court being now ques-oned on this appeal, it seems to us to be proper and fitting that the suit-money ordered to be aid by the husband should take the place of tatutory fees. This is the practice in some

States of the American Union, See Whipp vs. Whipp, 54 N. H., 282. The rule of Court referred to, "that cost shall follow the judgment in all original ac-tions," cortainly does not apply to suits apper-taining to the matrimonial relation, for in these the husband, as the only party responsible, has to pay costs whether losing or winning his

- We consider that the authority of the Court over the allowances for the wife's expenses of the suit excepts such cases from the operation of the general rule. Exceptions overruled.

C. W. Ashford for excep Honolulu, August 4th, 1884. Remarkable Presance of Mind.

There were a dozen old fellows sitting on bench in Seventh Ward Park talking on an abonch in Seventh Ward Park talking on various subjects, and finally they began to tell stories of the wonderful feats of presence of mind they had witnessed. One old gentleman told of the building of a mill down in York

of these posts the end became cotangled in the

ere in Milwankee bay about thirty years What was it?" asked all the party at one "Well, you see the end of the pier over there?

I was out there in a boat with a friend. We had started for a fish, and had taken our guns along to shoot ducks if any should happen along, which was a common thing in those days. Well, we hadn't been there long before the common than the common that the

Romantic Story of Shipwreck and Impric-onment British Seamon in Captivity.

London, May 31, 1884.
Although many of us had heard something about the crew of a British steamer being detained in captivity by a certain Rajah of Tenom, few, I fancy, knew the true "Yarn of the Nisero," till it was related in the "Each," the other day. The lated in the "Echo" the other day. The information came direct from Capt. Wode information came direct from Capa, thouse (the skipper of the unlucky vessel), house (the skipper of the unlucky vessel), house (the skipper of the unlucky vessel). Three centre ones, fifty yards apart, had and may be relied upon as strictly correct.

Three centre ones, fifty yards apart, had evidently been prepared for their receptive than remaining huts were evi-So far, the Government seem to have been very apathetic in the matter, but they can scarcely remain so. It would indeed be a sin and a shame if our unhappy countrymen were left to languish much longer in controller in the prisoners been placed the huts than their goalers commence the huts than their goalers commence.

the British steamship Nisco, while making for Acheen for safety, ran ashere on the mained until 11 o'clock, when—thinking they could not save the ship—they got out a lifeboat and a starboard boat and made for the shore, a mile and a half away. By

for the shore, a mile and a half away. By good fortune they reached it without losing a man, leaping out as the boats rode in on the crests of the waves, and seiging them to drag them high and dry. In this they were successful with the small boat, but the lifeboat broke away and went ashore about half a mile along the coast. Here, then, on that strange shore they gathered, twenty-eight men in all, half clad their only property some provisions. Kydd was blind and almost dead at the

some figures moving in the bush, and after a time the captain went up to where they the captain, who went forward and r ceived a gift of bananas, stripping one a cording to custom as a sign of peace, and offering it to the Rajah. These formali ties over, the Raiah asked them to go

Soon after daybreak a band of are nen arrived, and led them a mile and a half through the bush to a village com-posed of bamboo huts. Here they wen taken before the Rajah, who sat on a ma in the principal but, turbaned, and with sword of state lying across his knees, it handle gleaming with diamonds and pre cious stones. Aided by the cook, the car tain made his statement again, and the arouse his suspicion. "Are these English men?" he asked. The captain said they were. "If I thought they were Dutchmen

captain swore the men were English and the Chinese cook, with a sword over his head, swore they were En men also, for the sight of a Dute inflames the passions of these tribes Acheenese, and swift and cruel death inevitable. At last the Rajah's linger suspicions were removed by the sight the Union Jack, which the captain furled before him, and thereupon he the hut, and the captured crew saw nothing of him or his men until next day
Here they remained for nine days, with
no dry clothes, and nothing but rice to

One night at ten o'clock the captain wa called out of the hut with the interprete and taken before another Rajah, to who the Chief of Pangah was subordinate This was the Rajah of Tenom, with whom the Dutch had been at warfare for thirteen years, a man described as savage an bloodthirsty. He was of low stature, but his shoulders were twice as broad as an ordinary man's, and his teeth and nails, red with the use of the betel nnt, gave him a fierce appearance. His men were armed with muskets and swords, and word the rangong, or short dagger. This interview yielded no result, and the next morn ing the captain and his men got out of the lint and went down towards the beach where they found about two hundred fight ing men. After some parleying, the chief officer was allowed to go on board the stranded steamer, rowed by four of the sailors, and agreemential by six of the sailors, and accompanied by six of t Rajah's men, and came back with cloth some of which were given to the crew an some to the natives. The Rajah of Teno took a box of two thousand cigars, giving ten to the captain, but saying they wer not for such men as the sailors. Next day the captain visited the ship again, and found her rifled. This was his last visit to the Niscro, for the Rajah of Tenom said it was his property, and if the Englishmen were found wandering on the beach again they would be killed. they would be killed.

That day, when they were in the hut, six hundred men from the mountains surrounded it, declaring they were Dutchmen, and calling on the Rajah to turn them adrift, so that they might butcher them. This was an anxious time for the seamen. Not a shutter was lifted, save when the Rajah of Pangah came to see them, and then they could see the dark-visaged mountaineers scowling at them through the window, longing to dip their daggers in their blood. This Rajah was more friendly than his superior, the Chief of Tenom. He would do little friendly acts by night, sometimes coming with two chickens, which was hardly a feather each among twenty-eight, but was still a great

Early on the ninth day of their captivity the crew were called out of their bambo hut, and found in the village evident pre parations for a march. About thirty fight-ing men were there, in charge of the chief's brother, and without a word of any sort hey were marched away, toiling for ten they were marched away, to ling for ten hours through the jungle. Once away from the little village, nestling among the cocoannt trees, they saw no had and no new face until that weary day was over. Their progress was slow, for the vegetation of Acheen is laxuriant beyond description, and their movements were hampsred by the dense undergrowth. Five

ing trees, while around them rose stately palms, casting their shade on the flowering plants and shrubs that carpeted the forest path.

Late at night they suddenly emerged from the forest and found themselves in another village, a large one, close to a river. This they found to be the village of Tenom, five miles from the sea and only twelve miles from Pangah, where they were last held captive, so that they must have been led by roundabout paths, to mislead them as to distance. There were or premises without the owner of a substitute for the bill to prevent the waste of artesian well water on the island of Cahu.

Both bills were read twice and ordered to a third reading on the 12th inst.

Representative Dele desired the President of the Board of Health to state whether the Beard had permitted young, healthy children to visit Molokai to see their parents or friends.

The President of the Board of Health said that there had been several applications for people to visit Molokai and take children with had been issued by himself or by the Secretary of the Board. People have been permitted to go there to assist in the erection of buildings but on me account to remain any length of time in the settlement.

On motion the Assembly convened in Constitute.

THE YARN OF THE NISERO.

"Twenty minutes! Law, "There had no ordered to a third in the waste of the beat, and what had been and to be the village, a large one, trong river. This they found to be the village of Tenom, five miles from the son and only twelve miles from Pangah, where they were last held captive, so that they must have been led by roundabout paths, to mislead them as to distance. There were many distributed them as to distance. There were many husts in this village, built on posts, and they have been led by roundabout paths, to mislead them as to distance. There were many distributed them as to distance. There were many distributed the powder out of my larn into his own, and whisting."

No reply was made by any of his listeners, but each one quietly get up, longing suepitionsly at the story teller, and left him alone, many death to be a spy, carrying letters to the captain from the Assistant Resident at Olehleb, and from the Assistant Resident at Olehleb, and from the commander of a Dutch man of war. The tenor of these them as to distance they were left to the largest of them.

THE YARN OF THE NISERO. Dutch man of war. The tenor of thes letters was that they were in the hands o ferocious savage, who was dead to all cense of honor, and that they must not be obstinate in anything, lest additional obstacles should be put in the way of their

were again called out, and had to prepare for another march, and after a ten hours

sooner had the prisoners been placed if the huts than their goalers commenced t to sell liquor by the glass to be consumed on the premises between the hours of 6 o'clock in the sailors." captivity, simply because they are "only run up bamboo stockades, making each hut a jail by itself. Here, for the rest of ant a jail by itself. Here, for the rest of It was on November 8th of last year that his term of capture, the captain was contined; and here, so far as we know, the crew remain. The time hung heavy or their hands. No labor was given to them her port side, a prev to the heavy see. She had been trading between Rangoon and Penang, and had left Sourabaya, an important seaport of Java, with 1,800 tons of sugar, bound for Port Said for orders; but hindered by bad coals and stormy weather, changed her course 660 from Galle, and made for Sumatra, 400 miles away, it was "The only change was the river but been more than that which was hanging over them every day. sugar, bound for role of the sugar bound for role of the sugar bound for role of the sugar bound for sugar bou possible, and if they had escaped that dan ger the raft would have been broken by the surf that lashes the bar at the mout

clad, their only property some provisions and the ship's papers; around them impenetrable darkness, before them a raging sion to take him to see the ship's doctor penetrable darkness, before them a raging sion to take him to see the ship's doctor sea, behind them them the unknown and the Rajah kicked him contemptuously as Before long one of the crew made out there. Emboldened by his success, the captain asked for the chief officer; but pon this the Rajah went into a passion were, and found five natives, heavily armed. They refused to shake hands with him, so he called Ah Yeow, a Chinese American cook, who told them in the Malay language that the crew were English, and that their assistance would be rewarded by the English Government. While the cook was speaking another native, who had crept up on his hands and knees, whishered some speaking another native, who had crept up on his hands and knees, whispered some thing in the ear of one of them, and they all withdrew. Soon after this the light of a torch was seen among the trees, and they then discovered that all the time netives had been concealed behind trees in the flavor against the rule of the Duich, how he would willingly give up his country to England, but how a sudden come of the bill on the subject of ramic cultivation. He thought that if ramic could be country. If, after careful investigation, the country. If, after careful investigation, the defendant contends that it could be shown to be a means of increasing the wealth of the country, then the subject was one that should be attended to.

1881, eighty dollars. The sum of \$2,000 principal and \$80 interest is paid into Court. The country to England, but how a sudden with a misket. On came the torch, until by the light of it they could discern the interest to date. The defendant contends that interest ceases to ran from the time of its offer to the country, then the subject was one that should be attended to.

1881, eighty dollars. The sum of \$2,000 principal and \$80 interest is paid into Court. The country to England, but how a sudden with a misket. On came the torch, until by the light of it they could discern the part of the Foreign office with a misket. On came the torch, until by the light, of it they could discern the part of the Foreign office with a misket. On came the torch, until by the light, of it they could discern the part of the Foreign office with a misket. On came the torch, until by the light, of it they could discern the part of the Foreign office with a misket. On came the torch, until by the light, of it they could discern the part of the Foreign of a chief, a noble looking man, interest ceases to ran from the time of its offer the country. The subject was the foreign of the country to England, but how a sudden with a misket. On came the torch, until by the light of it they could discern the part of the Foreign of the country to England, but how a sudden country to England, but how a sudden with a misket. On came the torch, until by the light of it they could discern the part of the Foreign of the thicket, covering each man of them with a misket. On came the torch, until the thicket, covering each man of them with a misket. On came the torch, until the thicket, covering each man of them with a misket. O of fifty men, armed with swords knives ever, or at any rate until the patience of and muskets. The chief, who turned out to be the Rajah of Pangah, beckened to is given for the willing Acheenese to ven for the willing Acheenese to

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